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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,520	08/18/2003	Atsushi Shimamura	62807-135	1579
20277 7590 11/26/2008 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER ONYEZIA, CHUKS N	
			ART UNIT 3691	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/642,520

Applicant(s)

SHIMAMURA ET AL.

Examiner

CHUKS ONYEZIA

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Acknowledgement is made to applicant's amendments filed 08/19/2008. examiner notes that applicant has amended claims 1, 3, 5, and 9-11 and cancelled claims 7, 12, and 17-20. claims 1-6, 8-11, and 13-16 are currently presented and have been fully considered.

Claim Rejections - 35 USC § 112

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 5 is also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Paragraphs (i), (j), and (k) contain "if-then statements" however paragraph (j) and (k) contain identical "if" statements but different "then" statements. It is indefinite to what step should be followed if pay-in money amount exceeds said shortage.

Claim Rejections - 35 USC § 103

4. Claims 1-6, 8-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stack et al. US Patent Publication No. 2002/0063153 A1 (PTO-892 Reference A), in view of Armes et al. US Patent Publication No. 2003/0023549 A1 (PTO-892 Reference B).

5. As per claim 1 Stack teaches, A method for managing money of a customer who has an account in a plurality of financial institutions, comprising the steps of:

- ✓ (a) storing account information in a storage device (see Stack ¶ [0006], the method and system of the present invention makes use, for example, of computer hardware and software in managing the dual function transaction card account)
- ✓ Said account information including money-account information about a predetermined money amount for said account (see Stack ¶ [0013], At the end of each billing cycle, the cardmember is allowed to elect either a first minimum due option of paying off the charges in the charge bucket in full or a second minimum due option of payment of a predetermined fraction of the entire balance of the charges in the charge bucket),

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- ✓ As an upper-limit deposit amount for each of the accounts, (see Stack ¶ [0026], The cardmember transacts each month, and a monthly account statement is issued informing the cardmember of the amount of the balance that can be revolved "revolving credit limit" and the amount over and above the revolving credit limit that must be paid in full)
- ✓ individual information of said customer, and an identification number for identifying an account in each of said financial institutions of said customer ((see Stack ¶ [0026], The cardmember transacts each month, and a monthly account statement is issued informing the cardmember of the amount of the balance that can be revolved "revolving credit limit" and the amount over and above the revolving credit limit that must be paid in full);
- ✓ (b) when money is paid in an account of one of said financial institutions from said customer, receiving, from said one of said financial institutions, pay-in money information including and amount of the pay-in money (see Stack ¶ [0038], Should the cardmember make a partial payment, such as at least the Minimum Due Option 2, indicating that he or she wants the remaining portion

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of the cardmember's balance to enter revolving status, . . . The cardmember is informed by message statement on the next first statement after the cardmember 10 becomes past due that his or her balance is past due);

- ✓ (c) identifying an account in said financial institutions, based on the identification number in said account information of said customer (see Stack ¶ [0009]);
- ✓ (e) judging whether a post-pay-in outstanding amount obtained by adding a money amount based on the amount of said pay-in money to said outstanding amount of said identified account exceeds said upper limit deposit amount or not, determining a distribution pay-in money amount to be distributed to the identified account so as not to exceed said upper limit deposit amount, if said post pay-in outstanding amount would have exceeded said upper limit deposit amount; and (see Stack ¶ [0028]); and
- ✓ (f) instructing said identified account to pay said determined distribution pay-in money amount (see Stack ¶ [0037]).

However Stack does not explicitly teach (d) enquiring of a financial institution having said identified account to receive outstanding-amount information including and

outstanding amount of said identified account. It is of the examiner's interpretation that, by entering into a financial transaction, one has constructed an account with the merchant of the transaction. Armes teaches a request to merchant to inquire on the amount owed (see Armes ¶[0050], Finally, the account administrator communicates the request for value to the consumer's designated value source. This request for value may include information typical of standard funding requests and should encompass data that would accompany any typical payment transaction, e.g., merchant number, card number, expiration date, amount, date of purchase, and the like). It would have been obvious to one of ordinary skill in the arts to combine the teachings of Stack with those of Armes, for the purpose of enabling an administrator of a consolidated account to effect correct payment to a merchant who is owed (see Armes ¶[0050]).

6. As per claim 2 Stack further teaches, (g) paying said pay-in money amount into a common account that can retain money of a plurality of customers, wherein said step (f) instructs to transfer said pay-in money amount from said common account to said account in each of said financial institutions (see Stack ¶[0044]), examiner interprets that the use of a card for balance

transfers as a common account that that is used to pay multiple financial institutions.

However Stack does not teach the account retaining money of a plurality of customers. Examiner takes official notice that it is a well-known practice to have one credit card that used for a multiple users or customers. Some examples of such cards are joint account, holder account for related users, and corporate cards, that account for multiple employees of the same employer. It would have been obvious for one of ordinary skill in the arts to combine these teachings in this way for the purpose of making use of well known practices.

7. As per claim 3 Stack does not teaches (g) identifying a financial institution where said customer has opened no account from a list stored in said storage device and said information about said account of each of said financial institution where said customer has said account, to transmit said individual information of said customer to said financial institution where said customer has opened no account and also request to open a new account of said customer; (h) receiving from said financial institution said information about said opened account of said customer; and (i) additionally writing said received information about accounts of said customer into said information about said

account of said customer in said storage device. However it is a common and well known practice of credit card companies and banks not allow balance transfers from cards held by the same bank. For example, bank X issued multiple cards to a user, user would not be allowed to make payments of transfer balances between those cards issued be bank X. It would be obvious for on of ordinary skill in the arts to open an account with a new financial institution, for the purpose of being eligible to conduct balance transfers.

8. As per claim 4 Stack further teaches, (g) paying said pay-in money amount into a virtual account assigned to each customer, wherein said step (f) instructs to transfer said pay-in money amount from said virtual account to said account in each of said financial institutions (see Stack ¶ [0044]).

9. As per claim 5 Stack further teaches, step (e) further comprises the steps of:

- ✓ (g) subtracting said outstanding amount of said account from said upper limit deposit amount, to calculate a shortage for each of said accounts in each of said financial institutions (see Stack ¶ [0028]), examiner interprets that the calculation on a New Total Balance as a shortage calculation;

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- ✓ (h) deciding whether said pay-in money amount exceeds said shortage for each of said accounts in each of said financial institutions (see Stack ¶ [0028]);
- ✓ (i) if it is decided that said pay-in money amount does not exceed said shortage, determining said pay-in money amount to be a distribution pay-in money amount for said account (see Stack ¶ [0028] a Total Minimum Due is calculated, which includes the minimum due for the revolving balance and the full amount of the transacting balance above the revolving credit limit);
- ✓ (j) if it is decided that said pay-in money amount exceeds said shortage, determining said shortage to be said distribution pay-in money amount for said account;
and (k) if it is decided that said pay-in money amount exceeds said shortage, determining an amount obtained by subtracting said shortage from said pay-in money amount to be said pay-in money amount, to repeat from said step (h) to said step (i) on accounts other than said account for which said pay-in money amount is determined (see Stack ¶ [0028] a Total Minimum Due is calculated, which includes the minimum due for the revolving balance and the full amount of the transacting balance above the revolving credit limit).

10. As per claim 6 Stack does not directly teach step (e) determines said distribution pay-in money amount for said accounts in a descending order of said shortage. However, Stack teaches the use of a computer hardware and software to manage a transaction card account (see Stack ¶ [0006]). It would have been obvious to one of ordinary skill in the arts to use the computer system of Stack to sort pay-in amounts from highest to lowest, for the purpose of making use of one of a list well known computer functions.

11. As per claim 8 Stack does not directly teach if said pay-in money amount has a surplus as a result of determining said distribution pay-in money amount for all accounts of said customer, said step (e) divides said pay-in money amount surplus by the number of said accounts of said customer and adds an amount obtained by said division to said distribution pay-in money amount for each of said accounts. However, examiner notes that it is a common and well known practice, in debt consolidation, to collect a user's payment and divide any surplus evenly amongst creditors. It would have been obvious to combine the teachings of stack with this well known debt consolidation practice for the purpose of following a well known practice in the area of credit management.

12. Claims 9 and 10 are rejected using logic similar to those used in the rejection of claims 1 and 2.
13. Claims 11, 13-15 are rejected using logic similar to those used in the rejection of claims 1, 5, and 2-4 respectfully.
14. Claim 16 is rejected using logic similar to that used in the rejection of claim 1.

Response to Arguments

15. Applicant's arguments filed 08/19/2008 have been fully considered but they are not persuasive.

Applicant argues that:

As it pertains to the 112 rejection to claim 5 "It is clear from claim 5 that paragraph "i" refers to the situation where the pay-in money amount does not exceed the shortage, and paragraph "j" refers to the opposite situation, i.e. when the pay-in money amount exceeds the shortage".

Examiner responds that:

Examiner fully agrees with applicant assertion however clarity is needed in comparing Paragraph "j" to paragraph "k". both paragraphs "j" and "k" refer to the opposite situation of paragraph "i" i.e. when the pay-in money amount exceeds the shortage, however paragraphs "j" and "k" result in two different outcomes. It is indefinite on what action is taken when the pay-

in money amount exceeds the shortage, that of paragraph "j" or "k".

Applicant argues that:

As it pertains to the claim 1, Stack nor Armes disclose the amended elements of step (e).

Examiner responds that:

examiner uses the new account balance calculation as meeting the upper limit deposit amount. It is of the examiner's interpretation that once an account holder has made the partial payment and a new balance is calculated, any further payment would be easily compared of judged with the remaining balance so as not to confuse the account holder in making payments greater than is owed.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKS ONYEZIA whose telephone number is (571)270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuks Onyezia/
Examiner, Art Unit 3691

/Alexander Kalinowski/
Supervisory Patent
Examiner, Art Unit 3691